

CAPTAIN OF THE PORT, SAN FRANCISCO PUBLIC ADVISORY 04-95

Subj: POLLUTION PREVENTION REGULATIONS

1. **PURPOSE:** This notice further clarifies the requirements under the Pollution Prevention Regulations of Title 33, Code of Federal Regulations Parts 154, 155, 156 and the Oil Pollution Act of 1990 (OPA-90) for vessels operating in the COTP San Francisco Bay Zone.

2. **CANCELLATION:** COTP Public Notice 1-93 is hereby canceled.

3. **DISCUSSION:** The Pollution Prevention Regulations contained in 33 CFR parts 154, 155, 156 and OPA 90 apply to facilities and vessels that conduct bulk oil or hazardous material transfers. Sections of 33 CFR give the Captain of the Port discretionary authority to impose additional requirements. Also, OPA 90 has instituted new regulations concerning the interpretations and requirements for the Captain of the Port San Francisco Zone. The Captain of the Port convened a working group to discuss the best implementation means of 33 CFR concerning bulk oil transfer operations. This COTP Notice is a summation of results from this working group. Questions or concerns relating to this notice may be addressed to me in writing or directly through the Port Operations Department at (510)437-3073.

a. ADVANCE NOTICE OF OIL AND HAZARDOUS MATERIAL TRANSFER [33 CFR 156.118]

I require at least four hours notice prior to the time the barge or truck delivering the product to be transferred arrives at the transfer site. This applies to any mobile facility transfer (between tank truck and vessels) and any lightering or bunkering (vessel to vessel transfers). This four hour advance notice shall include: the time of the transfer, the duration and location of the transfer, the amount and type of product to be transferred. If the time of transfer changes by one hour or more, or if the transfer is canceled, the person in charge of the truck/vessel from which the product is being transferred shall immediately notify this office. Transfer notification may be given to this office by either phoning our 24-hour duty desk at (510) 437-3073 or by faxing the information to us at (510) 437-3072.

The COTP recognizes that at certain times transfers may need to be conducted prior to the necessary 4 hour advance notice. For these “emergency” type situations, contact the Port Operations Office and request permission to conduct the transfer. Exceptions will be made on a case-by-case basis.

b. “LOADING OVER THE TOP” [33 CFR 156.120(g)]

Occasionally, vessels transfer cargo oil into deep tanks or remove settled petroleum products from contaminated cargo tanks through an open hatch. Due to the static electricity combustion hazards and the amount of hazardous fumes generated by free-falling petroleum products, vessels that regularly conduct these types of transfers shall comply with the fixed connection requirements of 33 CFR 156.120(g). For those unusual situations where a vessel cannot comply with the fixed connection requirements of 33 CFR 156.120(g), the COTP may

grant an alternative under 33 CFR 156.107 to allow the use of a “portable transfer system”.

The vessel operator must notify the COTP at least 24 hours in advance of the scheduled transfer. Alternatives for portable transfer systems will be granted only for the transfer of Grade D and E cargoes.

The “portable transfer system” should consist of the following:

(1) Hose piping which meets the requirements of 33 CFR 154.500 or portable piping which meets 46 CFR 56.

(2) Connections which meet the requirements of 33 CFR 156.130.

(3) A closure, such as a manhole cover, Butterworth plate, flange, or deepwell pump stack that forms a vapor tight seal over the opening in the tank top through which the cargo is transferred. This closure shall be bolted in place and the hose and drop line should be connected to it.

(4) A metallic drop line that must be no higher above the bottom of the cargo tank or sump than 10cm (approx. 4 in.) or the radius of the filling line, whichever is greater (not necessary for Grade E, edible vegetable or animal oils).

(5) Portable containment with 1/2 barrel capacity at every connection on the weather deck or ashore.

(6) A shut off at or near the point of entry into the tank.

Do not commence the transfer until a representative of the COTP examines the transfer arrangement and determines that adequate containment measures, which could include booming the vessel, have been undertaken.

c. PLUGGING DRAINS AND SCUPPERS PRIOR TO TRANSFER [33 CFR 156.120(o)]

Part 156.120(o) requires tank vessels and barges to close all scuppers and drains within the containment by suitable mechanical means prior to any transfer operation. Wooden or other like plugs may be used provided cement is applied uniformly around the plug in such a manner that spilled oil will not leak through. Do not use rags or other easily permeated materials.

d. PERSON-IN-CHARGE OF TRANSFER OPERATION [33 CFR 155.700, 155.710, 156.120(t)(1)]

Regulations require that the Person-in-Charge (PIC) of an oil or HAZMAT transfer is present at the site of transfer and immediately available to the transfer personnel during all evolutions.

“Present at the Site” is defined as the PIC being (1) within line of sight of the actual transfer operation; and (2) be in constant communication with the vessel PIC.

Tankermen may:

(1) conduct brief business in the barge/vessel house such as short log entries, recording ullages, etc., but not preventative maintenance, receipt writing, or any activities that will keep the PIC from continuously monitoring the operation; or

(2) make brief rounds of the vessel's engine-room if on a tank barge.

When Coast Guard Boarding Officers board a barge and do not see persons on deck, they will wait for three (3) minutes. If the PIC is not seen within that time-frame, the PIC will be deemed not present at the site of the transfer operation. In such a case, the operation may be shut down and/or a Report of Violation may be issued. The PIC must be on-deck and fully aware of all aspects of the transfer operation from start to finish.

OPA-90 requires a Qualified Individual be designated for every vessel which carries oil as cargo. The PIC may be the Qualified Individual (QI), but if the PIC and QI are not one in the same, only the PIC is required to be at the site of the transfer operation.

e. BUNKERING OF VESSELS AT ANCHORAGE

Bunkering of vessels at anchorage within the Bay will only be conducted in Anchorage Nine. Numerous environmentally sensitive areas in San Francisco Bay, necessitates that bunkering is conducted in an area that affords the best opportunity for containment, and the recovery of oil released into the water.

f. LIGHTERING ZONES AND ADVANCED NOTICE OF LIGHTERING [33 CFR 156.215 AND OPA-90]

Part 156.215 requires the master, owner or agent of the vessel to be lightered to give at least 24 hours notice to the COTP prior to arrival in the lightering zone. The notice must include:

- (1) The vessel's name, call sign or official number and registry;
- (2) The cargo type (if oil) or shipping name (if hazardous material) and the approximate amount on board;
- (3) The number of transfers expected;
- (4) The lightering location to be used;
- (5) The estimated time of arrival in the lightering location;
- (6) The estimated duration of transfer operations;
- (7) The name and destination of service vessel(s); and
- (8) The name and phone number of the Qualified Individual. Due to the numerous environmentally sensitive areas within the Bay, lightering will only be allowed in Anchorage Nine. Lightering in other Anchorages will be considered on a case by case basis. Each request must be submitted to the Captain of the Port in writing no later than 24 hours prior to the estimated start time.

If a barge needs to conduct an "immediate" lightering because of unforeseen reasons (change in schedule, etc.) the barge operator should contact the Chief, Port Operations and request permission to conduct the lightering. Approval will be granted on a case by-case basis.

g. THE DECLARATION OF INSPECTION [33 CFR

156.120 AND 156.150]

If it is impracticable to inspect equipment on another PIC's vessel, each PIC shall verbally discuss each item on the DOI. The intent of the double signature on a DOI is that each party has, at the very least, discussed and confirmed that all the requirements on the DOI have been met.

If an item cannot reasonably be inspected by the barge PIC, a mark of N/A should be placed vice a signature on a DOI form which includes two columns (one for the deliverer and one for the receiver). If the DOI is a form which requires only check marks in appropriate boxes and a signature of both PICs at the bottom, both PICs should sign and not use "N/A".

4. **SUMMARY:** Compliance with the Pollution Prevention Regulations contained in 33 CFR 154, 155, 156, OPA-90 and this COTP Public Advisory should reduce the possibilities of a pollution incident and decrease the potential damage to the environment should one occur.